

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

Claims 1-11. *(Canceled)*

Claim 12. *(New)* A combination filter insert and rain gutter comprising:

an elongated filter insert having a cross section in the general form of a right triangle and made of open cell foam porous material, said filter insert having a generally horizontal upper side with front and rear edges, a generally vertical rear side perpendicular to said upper side and having an upper edge coincident with said rear edge of said upper side and a lower edge, an angled side extending between the front edge of said upper side and extending to a lower point forward of the lower edge of said rear side and rearward of the upper side front edge, a lower side parallel with said upper side and extending forward from said lower edge of said rear side to said lower point, said lower side of said filter insert being formed by the truncation of said generally triangular filter insert between said rear side and said angled side; and

a rain gutter having a back wall, a bottom wall, and a front wall, said front wall having an upper lip, an upper opening defined between said back wall and said front wall upper lip,

said filter insert being inserted into said rain gutter such that said insert upper side spans said gutter upper opening between said back wall and said upper lip of said front wall, said rear side of said insert bearing against and coextensive with said gutter back wall, and said insert lower side bearing against and extending outward to said lower point along said gutter bottom wall, said insert angled side extending between said lower side at said lower point to said gutter front wall upper lip, wherein said angled side of said insert faces said front wall and said bottom wall of said gutter, and a void is defined between said angled side, said front wall and bottom wall of said gutter, whereby liquid may enter said gutter upper opening and travel through said filter insert into said void, for flow to a gutter liquid outlet while leaves and other debris are trapped on the upper side of said filter insert.

Claim 13. *(New)* The combined filter insert and gutter of claim 12, wherein said open cell porous foam material has from about 10 to about 20 cells per square inch.

Claim 14. *(New)* The combined filter insert and gutter of claim 13, wherein said open cell porous foam material is flexible polyether foam.

Claim 15. *(New)* The combined filter insert and gutter of claim 12, wherein said filter insert is about four feet in length.

Claim 16. *(New)* The combined filter insert and gutter of claim 12, wherein said gutter has an inner lip portion extending inward and downward from said upper lip so as to bear against said upper side of said filter insert.

Claim 17. *(New)* The combined filter insert and gutter of claim 12, wherein said gutter is mounted on a building structure below the eave of a roof such that rainwater draining from said roof enters said gutter through said filter insert upper side.

Claim 18. *(New)* The combined filter insert and gutter of claim 17, further comprising a plurality of spaced gutter spikes extending through said gutter upper lip, across said span formed between said upper lip and said back wall, and through said back wall into said building structure for securing said gutter to said building structure, said filter insert fitting below said gutter spikes.

Claim 19. *(New)* The combined filter insert and gutter of claim 12, wherein said filter insert is about four feet in length and a plurality of filter inserts are inserted end to end into a length of said gutter so as to extend the full length of said gutter.

*Application No.: 10/751,510*  
*Art Unit: 1723*

*Attorney Docket No.14991.01*  
*Confirmation No.3347*

Claim 20. *(New)* The combined filter insert and gutter of claim 19 wherein said filter inserts are easily removed from the gutter for cleaning and are easily reinstalled into the gutter.